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La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - II

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GOVERNMENT OF PUDUCHERRY

HEALTH SECRETARIAT

(G.O. Ms. No. 31, dated 23rd May 2014)

NOTIFICATION

The draft of the following rules, which the Lieutenant-Governor, Puducherry proposes to make in exercise of the powers conferred in sections 2 and 8 of the Poisons Act, 1919, and in supersession of the Pondicherry Poisons Rules, 1971 published in Extraordinary Gazette No. 93, dated 26-8-1971, is hereby published for information of members of the public and notice is hereby given that the said draft rules will be taken into consideration on the expiry of 45 days from the date of publication of this notification in the official gazette.

Any objection or suggestion which may be received from any person by the Government of Puducherry in respect of the said draft rules within the period specified above will be considered by the Government. The objection or suggestion should be addressed to the Secretary to Government (Health), Chief Secretariat, Goubert Avenue, Puducherry.

DRAFT RULES

1. *Short title and commencement.*— (1) These rules may be called the Puducherry Poisons Possession and Sales Rules, 2014.

(2) They shall extend to the whole of the Union territory of Puducherry.

(3) They shall come into force from the date of its publication in the official gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) “Act” means the Poisons Act, 1919;

(b) “Dealer” means a person holding licence under these rules;

(c) “Form” means a form appended to these rules;

(d) “Government” means the Administrator appointed under Article 239 of the Constitution;

(e) “Licensing Authority” means the District Magistrate or any other officer authorised by the Government for the purpose of grant of licence;

(f) “Licensee” means a holder of a licence;

(g) “Notification” means a notification published in the official gazette of Puducherry;

(h) “Poison” means any substance specified in the Schedule appended to these rules;

(i) “Schedule” means the Schedule appended to these rules;

(j) “Sale” means any sale by one licensed dealer to another or by a licensed dealer to any educational institution or to any research or medical institution or hospital or dispensary under a qualified registered medical practitioner or any recognised public

institution or industrial firm requiring poisons for its own use or to Government Departments or Public Sector Undertakings or to an individual for personal use.

3. The substances specified in the Schedule appended to these rules shall be deemed to be poisons for the purposes of the Act and these rules.

4. *Licence for possession or sale.*— No person, not exempted under the provisions of the Act, shall sell or possess for sale, any poisons as specified in the Schedule except under a licence in Form-A granted or renewed in that behalf by the Licensing Authority.

5. *Exhibition of rules on the premises.*— A copy of these rules shall always be displayed in a prominent place of business as specified in the licence granted under rule 4.

6. *Application for grant or renewal of licence.*— (1) Every person desiring for the grant of licence or renewal of a licence shall make a written application to the Licensing Authority in Form-B and such application shall bear a court fee stamp of hundred rupees, provided that any application for renewal of a licence which is made less than three months prior to the date of the expiry of the licence shall bear a court fee stamp of five hundred rupees.

(2) Application for duplicate licence, when the original is lost or destroyed shall be made in writing and shall bear a court fee stamp of five hundred rupees.

(3) In the case of any change in the place of business of the licensee, a fresh application for licence shall be made to the Licensing Authority and such application shall bear a court fee stamp of five hundred rupees.

(4) The licensee shall prominently display the licence in the place of business.

(5) Every licensee who got licence, before these rules came into force, for possession and sale of poisons, shall, within three months from the date of these rules coming into force, apply for licence according to the provisions of these rules.

7. *Duration of licence.*— Subject to the provisions of rules 8 and 9, a licence granted or renewed under these rules shall remain in force for five years from the date of issue.

8. *Discretion of Licensing Authority.*— A licence may be cancelled or revoked at any time. The grant/renewal/ cancellation/revocation of a licence shall be in the discretion of the Licensing Authority:

Provided that the Licensing Authority shall give an opportunity to the party concerned to show cause, if any, against the action proposed to be taken and shall record in writing the reasons for refusing to grant or renew a licence or for cancelling or revoking a licence:

Provided further that the applicant for a licence or a licensee whose licence has been refused renewal or has been cancelled/revoked and is aggrieved by an order of the Licensing Authority can file an appeal with the appellate authority notified by the State Government.

9. *Termination of licence.*— A licence shall terminate on the death of the licence-holder or on the transfer of his business, or if granted to a firm or company, on the winding up or the transfer of the business of such firm or company:

Provided that, if the business carried on by the licensee as such or the firm or company is transferred as a going concern and the transferee applies for a fresh licence, with court fee stamp of hundred rupees, within fourteen days of the date of transfer, the subsisting licence shall continue to be in force until a new licence has been granted or the application for fresh licence is rejected by the Licensing Authority.

10. *Disposal of stock on termination, revocation or cancellation of licence.*— In the event of revocation or cancellation of the licence under rule 8 or in the event of the termination of licence under rule 9, the stock of poisons may be sold to any other licence-holder within a period of three months from the date of such termination, revocation or cancellation of the licence, after which the remaining poison may be destroyed under the orders of the Licensing Authority. In the case referred to in rule 9, the proceeds of the sale, if any, shall be made over

to the legal representative of the deceased licence-holder or his transferee or, liquidator of the dissolved firm or company of the transferee of the firm or company, as the case may be.

11. *Power to inspect poisons and registers.*— (1) Any Executive Magistrate or a Police Officer of the rank of Sub-Inspector and above or a Medical Officer authorised by the State Government for the purpose or an Inspector appointed under section 21 of the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940) may, at any time, visit and inspect the premises of the licence-holder where the poisons are kept for sale and may inspect all poisons found therein and the registers.

(2) Any undeclared stock of poisons found in the licensed premises or stored in any other place shall be confiscated by the officers mentioned in sub-rule (1) and apart from the penalty provided in rule 19, an immediate fine up to ₹ 50,000 may be imposed by the Subdivisional Magistrate on the licensee or any other person who had such an undeclared stocks of poisons.

12. *License to whom granted.*— (1) A licence shall be granted only to a person who in the opinion of the Licensing Authority is competent to conduct business in poisons.

(2) The licence issued to a firm or company shall always be in the name of the proprietor or proprietors of the company or a responsible person to be nominated by such proprietor or proprietors for the purpose, or in the case of a public company, in the name of its Manager.

(3) The name or names so given may be altered or amended by the Licensing Authority on a written application from the firm or company and such application shall bear a court fee stamp of hundred rupees.

13. *Sale of poison.*— (1) Every sale of poisons, shall, as far as practicable, be made by the licence-holder in person or where the licence-holder is a firm or a company, through or under supervision of, an accredited representative or such firm or company.

(2) A person holding licence for possession and sale of poisons granted under these rules shall store and sell from the premises specified in the licence.

14. *Persons to whom poisons may be sold.*— A licence-holder shall not sell any poison to any person, unless the latter is personally known to him, or identified to his satisfaction by producing a photo identity card which has his address or substantiate it with a document giving his address. He shall also ascertain before selling any poison the name, telephone number and address of the purchaser and the purpose for which the poison is purchased. He shall not sell any poison to any person who appears to him to be under the age of eighteen years, or to any person who does not appear to him to be in full position of his faculties.

15. *Register of sales of poisons.*— (1) Every license-holder shall maintain a register in which he shall enter correctly all sales of poison other than those used by a Chemist, Druggist or Compounder dispensing or compounding in compliance with the prescription of a qualified Medical or Veterinary Practitioner. The following details shall be entered in such register in respect of such sale, namely: (a) Serial No. (b) Name of poison, (c) Quantity sold, (d) Date of sale, (e) Name and address of the purchaser, serial number of the photo identity card produced and the name of the issuing authority (f) Purposes for which the poison was required by the purchaser, (g) Signature of purchaser (or thumb-impression, if illiterate) or in the case of purchase by post the date on which the letter was written and reference to the original in the file in which it is preserved, (h) Signature of a person identifying the purchaser, if any, (or thumb-impression, if illiterate); and (i) Signature of dealer.

(2) In a separate portion of the register, he shall enter in separate columns for each poison, the quantity of each poison sold daily, and those entries shall be filled up from day-to-day.

(3) The signature in the register prescribed under sub-rule (1) shall be that of the licence-holder himself, or, when the licence-holder is a firm or company, that of an accredited representative of such firm or company and shall be written at the time of sale or despatch to the purchaser. Such signature shall be held to imply that the signatory had satisfied himself that the requirements of rule 14 have been fulfilled.

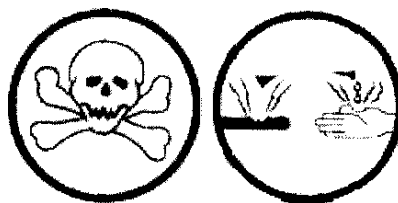
(4) All letters or written orders referred to under sub-rule (1) of the above register shall be preserved in original by the licence-holder for a period not less than two years from the date of the sale.

(5) The daily balance of stock should be entered in the register.

(6) All stocks of poisons must be declared by the licensee with the concerned Subdivisional Magistrate each and every month without fail.

16. *Custody of poisons kept for sale and labelling of receptacles in which they are kept.*— All poisons kept for sale under these rules by any licence-holder shall be kept securely in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a licence granted under the Act, and each poison shall be kept securely within such box, almirah, room or building in a separate closed receptacle of glass, metal or earthenware. Every such box, almirah, room or building and every such receptacle shall be marked with the word “POISON” in red letters, both in English and in the local language and in the case of receptacles containing separate poisons, with name of such poison.

17. *Poisons sold to be securely packed and labelled.*— When any poison is sold, it shall be securely packed in a closed receptacle or container (according to the quantity); and every such receptacle or packet shall be labelled by the licensee with a red label bearing in English and in local language giving the name of the poison and the name and address of the licensee. The following universal warning symbols shall also be displayed on the receptacle.



18. *Security, storage and incident management of acids/corrosive substances by users (except individuals).*— A standard operating procedure (SOP) outlining the measures undertaken for security, storage and incident management of acids/corrosive substances shall be prepared and displayed prominently in the premises of the user.

(1) Security of acid/corrosive substances

(a) A person shall be made accountable for possession and safe keeping of acid in the premises.

(b) The storage of acid/corrosive shall be under the supervision of this person.

(c) The storage of acid/corrosive shall be under double lock system to ensure more security.

(d) A register of usage of acid shall be maintained and the same shall be filed with the concerned Subdivisional Magistrate every quarter.

(e) There shall be compulsory checking of the students/ personnel leaving the laboratories/place of storage where acid/ corrosive is used/stored.

(2) Storage of acids/corrosive substances

(a) The chemicals should be stored in plastic or other suitable containers.

(b) All storage containers should be labelled to indicate the identity of the chemicals and the hazards involved and the precautions to be taken.

(c) Incompatible chemicals should not be stored together.

(d) The inventory of corrosive chemicals should be kept to a minimum.

(e) Protective gloves, aprons, safety glasses and face shields should be worn where appropriate.

(f) Acids should be diluted with care-always add acid to water, never add water to acid.

(3) Incident management

(a) ***Skin contact*** : Quickly take off contaminated clothing, shoes and leather goods (*e.g.*, watchbands, belts). Quickly and gently blot or brush away excess chemical. Immediately flush with

lukewarm, gently flowing water for at least 30 minutes. DO NOT INTERRUPT FLUSHING. If it can be done safely, continue flushing during transport to hospital. Immediately call a poison centre or doctor. Treatment is urgently required, transport to a hospital.

(b) **Eye contact :** Avoid direct contact. Wear chemical protective gloves if necessary. Quickly and gently blot or brush chemical off the face. Immediately flush the contaminated eye(s) with lukewarm, gently flowing water for at least 30 minutes, while holding the eyelid(s) open. If a contact lens is present, DO NOT delay flushing or attempt to remove the lens. Neutral saline solution may be used as soon as it is available. DO NOT INTERRUPT FLUSHING. If necessary, continue flushing during transport to hospital.

(c) **Ingestion :** Have victim rinse mouth with water. If vomiting occurs naturally, have victim lean forward to reduce risk of aspiration. Have victim rinse mouth with water again. Immediately call a poison centre or doctor. Treatment is urgently required, transport to a hospital.

(d) **Inhalation :** Take precautions to ensure your own safety before attempting rescue (*e.g.* wear appropriate protective equipment). Move victim to fresh air. Keep at rest in a position comfortable for breathing. If breathing is difficult, trained personnel should administer emergency oxygen. DO NOT allow victim to move about unnecessarily. Symptoms of pulmonary edema may be delayed. Immediately call a poison centre or doctor. Treatment is urgently required, transport to a hospital.

19. **Penalties.**— (1) Any person who commits a breaches of these rules, shall be liable for punishment under section 6 of the Act.

(2) The concerned Subdivisional Magistrate may impose a fine up to ₹ 50,000 on any person who commits breach of any of the above rules, apart from the penalty provided in the sub-rule (1).

SCHEDULE
[See rules 2 and 3]

Sl. No.	Name of the substance
(1)	(2)
1	Acetic acid (beyond 25% concentration by weight).
2	Acetic anhydride.
3	Sulphuric acid (H_2SO_4) (beyond 5% concentration by weight).
4	Hydrochloric acid (HCl) (beyond 5% concentration by weight).
5	Phosphoric acid (H_3PO_4).
6	Hydrofluoric acid (HF).
7	Perchloric acid ($HClO_4$).
8	Formic acid (beyond 10% concentration by weight).
9	Hydrocyanic acid except substances containing less than 0.1 per cent. weight in weight of hydrocyanic acid.
10	Hydrochloric acid, except substances containing less than 5 per cent. weight in weight of hydrochloric acid.
11	Nitric acid, except substances containing less than 5 per cent. weight in weight of nitric acid.
12	Oxalic acid.
13	Perchloride of mercury (corrosive sublimate).
14	Potassium hydroxide except substances containing less than 2 per cent. weight in weight of potassium hydroxide.
15	Sodium hydroxide except substances containing less than 2 per cent. weight in weight of sodium hydroxide.
16	Hydrogen peroxide (beyond 50% concentration by weight).
17	Formal-dehyde (beyond 25% concentration by weight).
18	Phenol (beyond 3% concentration by weight).
19	Sodium hypochlorite solution (beyond 5% concentration by weight).

FORM – A

(See rule 4)

LICENCE FOR POSSESSION AND SALE OF POISONS

Register No. :

Name of licensee :

Locality of shop :

Photograph of
licence-holder/
authorised
representative

Shri, son of Shri
carrying on business as in the (Name of
local body) under Police Station of District,
is hereby licensed to possess for sale by retail and to sell by retail the
following poisons, namely:—

1.
2.
3.
4.
5.

This licence is subject to the conditions specified on reverse, the
breach of any of which shall involve forfeiture of the licence as well as
liability to the penalties provided by section 6 of the Poisons Act, 1919.

This licence will remain in force from the date of grant for a period
of five years unless terminated by the death of the licence-holder or
cancelled/revoked by the Licensing Authority concerned.

Seal and signature of the Licensing Authority.

Conditions

(1) Subject to the provisions of rules 4 and 8, a licence granted or renewed on any day shall remain in force for a period of five years. Every applicant for the grant or renewal, of a licence shall make a written application to the licensing authority and such application shall bear a court fee stamp of hundred rupees.

(2) A licence shall terminate on the death of the licence-holder or if granted to a firm or company on the winding up or transfer of the business of such firm or company.

(3) The Licensing Authority may for any sufficient cause revoke or cancel any licence.

(4) Every sale of a poison shall so far as possible be conducted by the licence-holder in person or where the licence-holder is a firm or a company, through or under the supervision of an accredited representative of such firm or company.

(5) A licence-holder shall not sell any poison to any person unless the latter is personally known to him or identified to his satisfaction by producing photo-identity card. He shall not sell any poison to any person who appears to him to be under the age of 18 or to any person who does not appear to him to be in full position of his faculties.

(6) (1) Every licence-holder shall maintain a register in which he shall enter all sales of poison other than those used by a chemist and druggist for dispensing or compounding in compliance with the prescription of a Medical or Veterinary Practitioner. The following particulars shall be entered in such register in respect of each sale, namely :—

- (a) Serial No.
- (b) Date of sale
- (c) Name, telephone number and address of the purchaser
- (d) Name of the poison
- (e) Quantity sold
- (f) Purpose for which the poison was requested by the purchaser.

(g) Signature of purchaser or thumb-impression if illiterate or in case of purchase by post, date of letter or written order and reference to the original in the file in which it is preserved.

(h) Signature of dealer

(2) In a separate portion of the register shall be entered, in separate column for each poison the quantity of each such poison sold daily and these entries shall be filled in from day-to-day.

(3) The signature under column (h) of the register shall be that of the licence-holder himself or when the licence-holder is a firm or company that of an accredited representative of such firm or company and shall be entered at the time of sale or despatch to the purchaser. Such signature shall be held to imply that the signatory had satisfied himself that the requirements of rule 14 have been fulfilled.

(4) All letters or written orders referred in column (g) of the register shall be preserved in original by the licence-holder for a period of not less than two years from the date of the sale.

(7) (1) A licence-holder shall maintain in respect of each poison a stock register, in Form-II which shall contain the following particulars:

- (a) Serial No.
- (b) Date
- (c) Amount received
- (d) Name and address of the person from whom received
- (e) Amount sold
- (f) Balance in stock
- (g) Remarks.

(2) The stock register shall be balanced daily.

(8) Any Executive Magistrate or an Inspector appointed under section 21 of Drugs and Cosmetics Act, 1940 or any Police Officer of the rank of Sub-Inspector and above or any Medical Officer above the rank of Assistant Medical Officer may at any time visit any premises and inspect all poisons found there and the register maintained under the rules 15 and 16.

(9) All poisons kept for sale by any licence-holder under these rules (except those kept by a chemist and druggist for the purpose of dispensing or compounding in compliance with the prescription of a Medical or Veterinary Practitioner) shall be kept in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a licence granted under the Act and each poison shall be kept within such box, almirah, room or building in a separate closed receptacle of glass, plastic, metal, or earthen-ware. Every such box, almirah, room or building and every such receptacle shall be marked with the word "Poison" in red characters in English and local language and in the case of receptacles containing separate poisons with the name of such poisons.

(10) When any poison is sold, it shall be securely packed in closed receptacle or packet (according to the quantity) and every such receptacle or packet shall be labelled by the vendor with a label bearing the name of the "poison" in English and local language and the number and date of the entry in the register of sales specified in rule 15.

(11) The licence shall be held subject to the conditions as mentioned above and to the provisions of the Act and rules in force from time to time.

(12) The licensee, if he intends to sell or possess for sale any poison for medicinal use will first obtain a requisite licence as required under the provisions of the Drugs and Cosmetics Act, 1940.

Note : A poison for medicinal use means a drug as defined in section 3 of the Drugs and Cosmetics Act, 1940.

FORM – B

(See rule 6)

**Application for grant / renewal of licence for
possession and sale of poisons**

1. Name of the applicant/firm :
2. Age of the applicant :
3. Office and residence address :
4. Licence No. and copy of licence (applicable :
for renewal applications).
5. Documents regarding constitution of the :
applicant firm including nomination of the
authorised representative.
6. Full address of the place of business or :
shop or of storage for which a licence is
applied for, number of the flat and the
name of the building with house number
and the street or the road where it is
situated.
7. Copy plan of the premises :
8. Documents pertaining to the right of :
possession of the premises
9. Name of the poison proposed to be sold :
(Applicant should furnish three copies of
self-attested photographs alongwith the
application)

To be accompanied with a court fee stamp of ₹ 100.

(By order of the Lieutenant-Governor)

V. JEEVA,
Under Secretary to Government (Health).

FORM – I
[See rule 15(1)]

REGISTER OF SALES OF POISONS

Serial No.	Name of poison	Quantity sold	Date of sale	Name and address of the purchaser, serial number of the photo-identity card produced and the name of the issuing authority	Purposes for which the poison was required by the purchaser	Signature of purchaser (or thumb-impression, if illiterate) or in the case of purchase by post the date on which the letter was written and reference to the original in the file in which it is preserved	Signature of a person identifying the purchaser, if any, (or thumb-impression, if illiterate)	Signature of dealer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

FORM – II

POISON STOCK REGISTER

Name of poison :

Sl. No.	Date	Amount received	Name and address of the person from whom received	Amount sold	Balance in stock	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

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